

REMARKS/ARGUMENTS

This paper is responsive to the Office Action mailed May 6, 2004 (paper no. 15). Reconsideration and allowance are respectfully requested. Claims 1, 3-8, 10, 12-17, 19 and 21-27 remain pending.

Claim Rejections

Rejections Under 35 U.S.C. § 103

Claims 1, 3-8, 10, 12-17, 19 and 21-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung *et al.* (U.S. Patent No. 6,570,583) (hereinafter “Kung”) in view of Lu (U.S. Patent Application Publication US 2002/0140680). These rejections are respectfully traversed for the following reason.

The Office Action relies upon Lu to cure the deficiencies of Kung. However, the Applicants conceived of the present invention prior to the March 30, 2001 filing date of Lu. Applicants submit concurrently herewith a Declaration Under 37 C.F.R. § 1.131 establishing invention of the subject matter of the rejected claims prior to the effective date of Lu. As such, Applicants respectfully submit that Lu cannot serve as a basis of rejection. Without Lu, Kung maintains the deficiencies conceded by the Examiner. Claims 1, 3-8, 10, 12-17, 19 and 21-27 are thus allowable for at least this reason.

Conclusion

All of the rejections having been addressed, Applicant respectfully requests allowance of the present application and timely notification of the same. Should the Examiner have any questions or comments, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

BANNER & WITCOFF, LTD

Dated: July 26, 2004

By:


Ross A. Dannenberg
Registration No. 49,024
1001 G Street, N.W.
Suite 1100
Washington, D.C. 20001
(202) 824-3000

RAD